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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,222	02/01/2000	Jeffry Jovan Philyaw	PHLY-24.583	5890

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EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 03/26/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/496,222

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 22-31 are pending. Claims 22-31 are rejected.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al., US Pat. No. 5,978,773, in view of Citron et al., US Pat. No. 5,288,976.
4. As to claim 22, Hudetz teaches a method for obtaining information regarding the source of a product from a remote information source location on a global communication network utilizing a product code associated with the product and unique thereto, comprising the steps of:
  - scanning the product code associated with the product with a scanner at a user location on the global communication network to extract the information contained in the unique product code therefrom (Hudetz, abstract and col. 3, line 17 – col. 4, line 30);
  - assembling a packet of information at the user location comprised of the extracted product code and the unique code to provide a routing packet (Hudetz, col. 7, line 29 – col. 8, line 46); and
  - connecting the user location to the remote information source location utilizing the routing packet and in response to the step of scanning, wherein the routing packet is representative of the location of the remote information source location on the global

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communication network through an association with a routing table (Hudetz, col. 7, line 29 – col. 8, line 46).

However, Hudetz does not explicitly teach associating a unique scan ID code with the scanning operation, which unique scan ID is uniquely associated with the location of the scanner on the global communications network. In the same field of endeavor, Citron teaches the use of bar codes, wherein upon scanning the barcode a unique scan ID code and other data are transmitted to the server (a data packet is created including a unique barcode scanner ID for the scanner at the specific location. Citron, col. 4, line 58 – col. 6, line 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated using a unique scan ID as taught by Citron into the system of Hudetz for the purpose of increasing the efficiency of user authentication, data processing and data retrieval.

5. As to claim 23, Hudetz-Citron teaches that the unique scan ID is an ID associated with the scanner utilized in the step of scanning (Citron, col. 4, line 58 – col. 6, line 10).

6. As to claim 24, Hudetz-Citron teaches a UPC product code (See Hudetz, abstract).

7. As to claim 25, Hudetz-Citron teaches the method of claim 22, wherein the step of connecting comprises:

transmitting the routing packet from the user location to a predetermined intermediate location on the global communication network, wherein the intermediate location has a database

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associated therewith that provides in a stored routing table having the associations stored therein a correlation between product codes, unique scan ID codes and routing information associated with remote information source locations on the global communication network (Hudetz, col. 7, line 1 – col. 9, line 21);

determining if there exists a match between the unique scan ID code associated with the scanning information and the extracted product code information in the database (Hudetz, col. 7, line 1 – col. 9, line 21);

if there is a match, returning the associated network routing information regarding the associated remote information source location on the global communication network back to the user location (Hudetz, col. 8, line 47 – col. 9, line 21); and

interfacing a user at the user location to the remote information source location in accordance with the returned network routing information (Hudetz, col. 9, lines 5-21).

8. As to claim 26, Hudetz-Citron teach the method of claim 25, and further comprising the step of returning information from the remote information source location after connection thereto and displaying the returned information on a user computer at the user location (Hudetz, col. 9, lines 5-21).

9. As to claim 27, Hudetz-Citron teach the method of claim 26, wherein information is returned back to the user computer at the user location to determine the method by which the display is facilitated in accordance with information associated in the database with the unique

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ID (Hudetz, col. 9, lines 5-21 and Citron, col. 4, line 58 – col. 6, line 2).

10. As to claims 28, Hudetz-Citron teach the method of claim 23, wherein the step of scanning comprises:

providing a unique scanner having associated therewith the unique scan ID code (Citron, col. 4, line 58 – col. 6, line 2); and

scanning the product code with the provided scanner to extract information therefrom, the step of scanning operable to incorporate the step of associating the unique scan ID code with the scanning operation such that the step of scanning also results in the output of the routing packet (Hudetz, col. 9, lines 5-21 and Citron, col. 4, line 58 – col. 6, line 2).

11. As to claims 29, Hudetz-Citron teach the method of claim 28, wherein the step of scanning with the provided scanner comprises the step of decoding information in the product code, which product is encoded in a first format to output a value that can be assembled with the unique scan ID code in the routing packet (Hudetz, col. 9, lines 5-21 and Citron, col. 4, line 58 – col. 6, line 2).

12. As to claims 30 and 31, Hudetz-Citron teach the step of associating is performed in response to the step of scanning and without user intervention (Hudetz, col. 9, lines 5-21 and Citron, col. 4, line 58 – col. 6, line 2).

13. Applicant's arguments with respect to claims 22-31 have been considered but deemed to be persuasive. The applicant argued in substance that:

A) Regarding the unique reader ID code, the applicant argued in substance that the prior art of record does not teach that the reader ID is "...associated with the scanning operation and it is *not* assembled into a packet of information comprised of the extracted product code and the unique scan ID code. Further, *Citron et al.* does not use the reader scan ID to in any way facilitate the connection to the remote location, as the connection is made independent of this scan ID... the only motivation to modify *Hudetz et al.* with the teaching of *Citron et al.* comes from the Applicants' inventive combination..." Additionally, "as to the examiner's comments on the source of motivation to combine Citron with Hudetz,... all that Citron discloses is a unique reader ID 'assigned to the reader in an initialization procedure during which the reader is granted access to the system.'.. This assignment of the reader ID is automatic – it is an issuance of ID, not an authentication of attempted access."

As to point A, the motivation to modify *Hudetz* with the teaching of *Citron* can be found in *Hudetz's* desire to control access to the database (*Hudetz*, col. 9, lines 43-53). *Hudetz* suggests the use of passwords or digital signatures as examples to authenticate and authorize users. The artisan of ordinary skill at the time of the invention would have been led to teachings in the same field of endeavor which suggest methods of implementing a more efficient authentication system. The artisan, would have found *Citron* that teach using the unique scanner ID (or digital signature) to perform the authentication (*Citron*, col. 4, line 58 – col. 6, line 2). The artisan would have been led to incorporate the use of the scanner ID for authentication, as taught by

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*Citron*, into the internet based data retrieval system of Hudetz, for the purpose of enhancing the authentication system. Therefore, it is not necessary for the artisan to incorporate the DTMF communication protocol of *Citron*, but only take from it the use of the scanner ID.

Additionally, Citron teaches assembling a packet including the scanner ID to transmit to the server. This is done to “verify that the reader is a valid reader of the system.” Citron, col. 5, line 62 – col. 6, line 2.

B) “While Citron discloses a ‘barcode reader 5...identifiable...by a unique identification number’ (Col. 4, lines 58-61), there is no disclosure of the use or purpose of this identification number in Citron. Thus, while this disclosure in Citron may arguably supply a teaching absent in Hudetz as noted by the Examiner, it does not cure the other deficiency in Hudetz, required by Applicants’ Claim 22, of ‘assembling a packet of information comprised of the extracted product code and the unique scan ID code to provide a routing packet’ (emphasis added).”

As to point B, Citron teaches assembling a packet including the scanner ID to transmit to the server. This is done to “verify that the reader is a valid reader of the system.” Citron, col. 5, line 62 – col. 6, line 2. Applicants’ argues that the step of assembling a packet of information comprised of both the unique scan ID and routing packet is not found in the teachings of Hudetz or Citron alone. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).



C) “Further, Applicants’ Claim 22 is amended with the phrase ‘at the user location’ to clarify that the routing packet which combines the extracted product code and the unique scan ID code is assembled at the user location. This amendment further clarifies the distinction of claim 22 from Hudetz, in which an HTML document containing records having UPC numbers associated with URLs is assembled at the web server database then returned to the user (host computer).

As to point C, Hudetz does not teach “an HTML document containing records having UPC numbers associated with URLs is assembled at the web server database then returned to the user.” What Hudetz describes is assembling a routing packet at the user location to the remote database. Once the remote database receives this information, it returns to the user the URL (not an HTML document). See Hudetz, col. 4, line 66 – col. 5, line 42 and col. 7, line 57 – col. 8, line 17.

Applicant’s amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

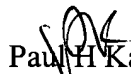
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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

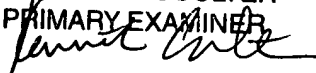
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Paul H Kang  
Examiner  
Art Unit 2152

KENNETH R. COULTER  
PRIMARY EXAMINER



March 24, 2003